

### Remarks/Arguments

Reconsideration of this application is requested.

#### **Claim Status**

Claims 1-22 were presented. Claims 1, 2, 5, 7-12, 14-16, 19, 21 and 22 are amended. Claims 6 and 20 are canceled, without prejudice. Claims 1-5, 7-19, 21 and 22 are now pending.

#### **Claim Rejections – 35 USC 101**

Claim 22 is rejected under 35 USC 101 as directed to non-statutory subject matter. In response, claim 22 is amended to use the preamble suggested by the Action, and is thus now directed to statutory subject matter. The rejection under 35 USC 101 should accordingly be withdrawn.

#### **Claim Rejections – 35 USC 102**

Claims 15-19 are rejected under 35 USC 102(e) as anticipated by Shimizu (US 7,064,780). In response, applicant traverses the rejections, and amends independent claims 15 and 19 to clearly distinguish over Shimizu.

#### Claims 15-18

Claim 15, as amended, recites:

*...a still picture acquisition unit that acquires, when recording of a still picture is instructed by the recording instruction while the first imaging control unit is executing moving picture imaging and the first recording control unit is recording moving picture data in the memory, still picture data at the timing instructed...*

and

*...a second recording control unit that records in a memory the still picture data acquired by the still picture acquisition unit...*

Shimizu does not disclose or suggest these features. Instead, Shimizu merely discloses selection of a “normal moving image recording mode”, for recording only

moving images, or a "normal still image recording mode", for recording only still images. There is no disclosure or suggestion of applicant's claimed technique of acquiring still images, when instructed, even while moving picture imaging is being executed and moving picture data recorded.

Claim 15 further recites:

*...a third recording control unit that records timing information that specifies the timing instructed in correlation to the moving picture data that is recorded in the memory by the first recording control unit, when recording of a still picture is instructed by the recording instruction unit while the first imaging control unit is executing moving picture imaging and the first recording control unit is recording moving picture data in the memory...*

Shimizu does not disclose or suggest recording timing information of recording a still image in correlation to moving picture data when the instruction for recording the still image was given during the shooting and recording of the moving image, as recited by claim 15. Instead, Shimizu merely records discrimination information, to be used for searching for still image data, as head information of recorded still image data, when an instruction is given to record a still image in the normal still image recording mode for recording only still images.

Moreover, claim 15 also recites:

*...a still picture extracting unit that extracts, based on the timing information correlated with the moving picture data and recorded in the memory, from among the moving picture data correlated with the timing information and recorded in the memory, the still picture data acquired at the timing when an instruction is given to record the still picture...*

and

*...an index image reproduction unit that reproduces the still picture data extracted by the still picture extracting unit as index image data of the moving picture data...*

In this regard, Shimizu only discloses a technique that extracts one frame of data from moving image frames obtained in a moving image shooting operation for displaying through images, when an instruction is given to record a still image in the "normal still image recording mode" for recording still images. Shimizu fails to disclose or suggest the claimed technique of extracting still image data from moving image data correlated with the appropriate timing information, based on timing information correlated with the moving image data that is recorded in memory during the shooting and recording operation of a moving image in the normal moving image recording mode.

Since Shimizu does not disclose each and every element of claim 15, as amended, it cannot anticipate claim 15 or claims 16-18 dependent thereon. The rejections of claims 15-18 under 35 USC 102(e) should accordingly be withdrawn.

Claim 19

Claim 19 recites:

*...a recording control unit that correlates moving picture data obtained through the moving picture imaging by the first imaging control unit with still picture data obtained through the still picture imaging by the second imaging control unit during execution of the moving picture imaging by the first imaging control unit to obtain said moving picture data, and that records in a memory the moving picture data and the still picture data correlated with each other...*

Shimizu fails to disclose or suggest this feature. As discussed with respect to claim 18, Shimizu discloses only a technique that alternatively selects a "normal moving image recording mode" for recording only moving images or a "normal still image recording mode" for recording only still images, thereby recording only either

one of a moving image and a still image. There is no disclosure or suggestion of applicant's claimed technique that correlates moving image data recorded in the "normal moving image recording mode" with still image data recorded in the "normal still image recording mode" and records the correlated data in a memory, and that correlates moving image data obtained in a moving image shooting process executed in the "normal still image recording mode" with still image data extracted from the appropriate moving frames and records in memory the correlated moving image data and still image data correlated with each other.

Claim 19 further recites:

*...an index image reproduction unit that reproduces the still picture data recorded in the memory in correlation to the moving picture data as index image data of the moving picture data recorded in the memory in correlation to said still picture data...*

Shimizu clearly does not disclose or suggest reproducing still picture data recorded in memory in correlation to moving picture data as index image data of the moving picture data.

Since Shimizu does not disclose each and every element of claim 19, as amended, it cannot anticipate claim 19. The rejection of claim 19 under 35 USC 102(e) should accordingly be withdrawn.

#### **Claim Rejections – 35 USC 103**

Claims 1-14 and 20-22 are rejected under 35 USC 103(a) as obvious over Shimizu in view of Nagasaka (US 6,023,520). In response, applicant traverses the rejections, and amends independent claims 1, 21 and 22 to clearly distinguish over Shimizu and Nagasaka. Claims 6 and 20 are canceled, without prejudice, rendering their grounds for rejection moot.

#### **Claim 1**

Claim 1, as amended, recites:

*...a still picture acquisition unit that acquires, when recording of a still picture is instructed by the recording instruction unit while the first imaging control unit is executing moving picture imaging and the first recording control unit is recording the moving picture file in the memory, still picture data at the timing instructed...*

*...a still picture file creation unit that creates a still picture file based on the still picture data acquired by the still picture acquisition unit...*

and

*...a second recording control unit that records in a memory the still picture file created by the still picture file creation unit...*

As discussed above with respect to claims 15 and 19, Shimizu discloses only a technique that alternatively selects a "normal moving image recording mode" for recording only moving images or a "normal still image recording mode" for recording only still images, thereby recording only either one of a moving image and a still image. Shimizu fails to disclose or suggest applicant's claimed technique that records a still picture file even when the instruction to record the still picture file is given during shooting and recording of a moving picture file.

Claim 1 further recites:

*...a third recording control unit that records in the memory the still picture data acquired by the still picture acquisition unit as index picture data of the moving picture file recorded in the memory by the first recording control unit in addition to the still picture file created by the still picture file creation unit and recorded in the memory by the second recording control unit...*

As previously discussed, this feature is not disclosed or suggested by Shimizu. Nagasaka does not remedy this deficiency. Nagasaka discloses only a technique that records a still image appearing at a changing point in moving image data, and

does not disclose or suggest a technique that creates and records index picture data for a still picture file and moving picture file from still picture data which is obtained by the still picture acquisition unit while a moving picture is being shot and recorded.

Since Shimizu and Nagasaka do not disclose or suggest each and every feature of claim 1, as amended, claim 1 and claims 2-14 dependent thereon are not obvious over Shimizu and Nagasaka. The rejections of claims 1-14 under 35 USC 103 should accordingly be withdrawn.

Claims 21 and 22

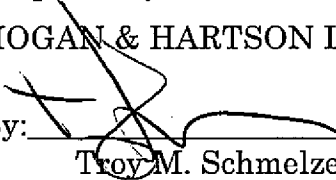
The features discussed above with respect to claim 1 are also present in claims 21 and 22, as amended. Accordingly, claims 21 and 22 distinguish over Shimizu and Nagasaka for the same reasons as claim 1, and the rejections under 35 USC 103 should be withdrawn.

**Conclusion**

This application is now believed to be in condition for allowance. The Examiner is urged to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,  
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